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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/032,083 02/27/98 BELL

R SELS-0034

WM02/0523

EXAMINER

BARTON E. SHOWALTER, ESQ.
BAKER & BOTTS, LLP
2001 ROSS AVENUE
DALLAS TX 75201

VU, H

ART UNIT

PAPER NUMBER

2663

DATE MAILED:

05/23/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks*SM*

Office Action Summary

Application No. 09/032,083	Applicant(s) Bell et al
Examiner Huy Vu	Art Unit 2663



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 3/12/01 and 2/21/01

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12, 14-32, and 34-105 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12, 14-32, and 34-105 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on Feb 28, 2001 is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2

20) Other: _____

Art Unit: 2663

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-12, 14-32, 34-90 and 94-95 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original specification fails to provide support for the limitation “the media stream communication session is comprised of packets exchanged between the stateless client and said state-based client” which is now being recited in the claims 1-12, 14-32, 34-80. The original specification also fails to provide support for the limitation “receiving from the stateless client a first packet comprising a stateless signaling message; translating the first packet into a second packet comprising state-based signaling message” which is now being recited in the claims 81-90. The original specification also fails to provide support for the limitation of call initiation signaling message comprising a packet-based telephony message.

Claim Rejections - 35 U.S.C. § 102

Art Unit: 2663

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 91, 93, 98-99, 101-102 and 104-105 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis (USP 6,201,804).

Regarding claims 91, 93, 98-99, 101-102 and 104-105, Kikinis teaches bridge 87 for receiving a call initiation signaling message at the remote state-based terminals (39, 41, 54, 45) via the Internet 15 and server 29. Bridge 87 also processes the call initiation signaling message to determine that the stateless client (in PSTN 13) is able to conduct the session initiated at the remote state-based terminal, communicates and exchanges packets with the remote state-based terminals (39, 41, 54, 45) via the Internet 15 and server 29. When a caller in Internet 15 make an Internet call to a destination in call center 89, server 29 would then perform the tasks of receiving a call initiation signaling message, communicates and exchanges packets with the remote state-based terminals in the Internet 15 as described above.

Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2663

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(f) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-6, 9,11-12,14-26, 29, 31-32, 34-47, 50-62, 65-73, 75-78 and 80-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler et al (USP 5,726,984) in view of Kikinis (USP 6,201,804). Regarding claims, 1-6, 9, 11-12, 14-26, 29, 31-32, 34-47, 50-62, 65-73, 75-78 and 80-90, Kubler teaches a system capable of performing state-based signaling on behalf of a stateless-client (6331) comprising a controller (6333) coupled to a state-based terminal (6301, 6303), that translates at least one stateless signaling message (telephony dialing) received from the stateless client (6331) to at least one state-based signaling message for presentation to said state-based terminal (6301, 6303) thereby facilitating a media stream communications session between said stateless client (6331) and said state-based terminal (6301, 6303) over an IP-based network (6315). Kubler differs from the claims in that Kubler does not teach that the stateless client (6331)

Art Unit: 2663

communicates with the state-based client (6301, 6303) using packets. However, Kikinis teaches that the telephone (state-less client) can communicate with a computer (state-based client) using packets. See figure 3 wherein telephones 77, 79, 81 and 83 communicates with an Internet caller using packets transmitted on network 77 via server 39. This structure has the advantage that the agent can handle both regular call and Internet call. Thus, agent's is better utilized (col. 8, lines 21-25). See figure 4 wherein telephones 77, 79, 83 and 83 communicates with Internet caller via server 29 and with regular telephone caller via bridge 87 using packets transmitted on network 77. This structure reduces cost by eliminating the need for an expensive COST telephony switching apparatus (col. 9, lines 16-18). Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Kikinis' teaching of the telephone (state-less client) communicating with a computer (state-based client) using packets in Kubler's telephone 6331 with the motivation being to enable the user of the telephone to handle both regular telephone call as well as Internet call and/or to reduce cost by eliminating the need an expensive COST telephony switching apparatus.

5. Claims 41-46, 50-54, 56-61, 65-69, 71-73, 75-78 and 80-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwami et al (USP 5,605,737) in view of Kikinis (USP 6,201,804). Regarding claims, 41-47, 50-62, 65-73, 75-78 and 80-90, Iwami teaches a system capable of performing state-based signaling on behalf of a stateless-client (2) comprising a controller (20) coupled to a state-based terminal (10-1, 10-2), that translates at least one stateless signaling message (telephony dialing) received from the stateless client (2) to at least one state-based signaling message

Art Unit: 2663

for presentation to said state-based terminal (10-1, 10-2) thereby facilitating a media stream communications session between said stateless client (2) and said state-based terminal (6301, 6303) over an packet-based network (1).Iwami differs from the claims in that Iwami does not teach that the stateless client (6331) communicates with the state-based client (6301, 6303) using packets. However, Kikinis teaches that the telephone (state-less client) can communicate with a computer (state-based client) using packets. See figure 3 wherein telephones 77, 79, 81 and 83 communicates with an Internet caller using packets transmitted on network 77 via server 39. This structure has the advantage that the agent can handle both regular call and Internet call. Thus, agent's is better utilized (col. 8, lines 21-25). See figure 4 wherein telephones 77, 79, 83 and 83 communicates with Internet caller via server 29 and with regular telephone caller via bridge 87 using packets transmitted on network 77. This structure reduces cost by eliminating the need for expensive COST telephony switching apparatus (col. 9, lines 16-18). Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Kikinis' teaching of the telephone (state-less client) communicating with a computer (state-based client) using packets in Iwami's telephone system with the motivation being to enable the user of the telephone to handle both regular telephone call as well as Internet call and/or to reduce cost by eliminating the need an expensive COST telephony switching apparatus.

7. Claims 10 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler et al (USP 5,726,984) in view of Kikinis (USP 6,201,804), as applied to claim 1 above, an further in

Art Unit: 2663

view of Bruno et al (USP 5,724,355). Kubler differs from the claims in that Kubler does not teach H.323 as a protocol for used in the state-based signaling system. However, H.323 is well standardized and its use for state-based signaling is well known in the art as evidenced by Bruno et al. Specifically, Bruno teaches the use of H.323 protocol to establish a multimedia connection from a state-based terminal to the Internet. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Bruno's teaching of using H.323 protocol to establish a multimedia connection from a state-based terminal to the Internet in Kubler's system with the motivation being to facilitate the connection between a regular telephone user with a state-based terminal having ISDN connection to the Internet.

8. Claims 74 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler et al (USP 5,726,984) in view of Kikinis (USP 6,201,804). Kubler in view of Kikinis differs from the claim in that Kubler in view of Kikinis does not explicitly teach the use of a gateway at the ISP to connect the Intranet and the Internet. However, such use of Intranet and a gateway to connect the Intranet and the Internet is old and well known in the art of gateway. Thus, it would have been obvious to one skilled in the art at the time the invention was made to use a gateway to connect the Intranet and the Internet in Kubler in view of Kikinis's system with the motivation being to provide a controllable connection between the Intranet and the Internet.

Art Unit: 2663

9. Claims 7-8, 27-28, 48-49 and 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler et al (USP 5,726,984) in view of Kikinis, as applied to claim 1 above, and further in view of Arango (USP, 5,732,078). Regarding claims 7-8, 27-28, 48-49 and 63-64, Kubler in view of Kikinis differs from the claim in that Kubler in view of Kikinis does not teach that a portion of the media stream traverse a path without the server. However, Arango teaches a system wherein a portion of the media stream traverse a path without the original server. For example, a portion of a media stream from originator 210 may reach destination 250 without going through server 224 (going through router 226 and network 260 instead of router 224 and WAN 230) while other portions of the a media stream from originator 210 goes through server 224 to reach destination 250. Such mechanism enables the system to provide a guaranteed bandwidth service for certain traffics. Thus, it would have been obvious to one skilled in the art at the time the invention was made to use Arango's teaching of enabling a portion of the media stream traverse a path without the server in Kubler's system with the motivation being to provide a guaranteed bandwidth service for certain traffics.

10. Claims 1-6, 9, 11-12, 14-26, 29, 31-32, 34-40, 47, 55, 62, 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwami et al (USP 5,605,737) in view of Kikinis.

Regarding claims 1-6, 9, 11-12, 14-26, 29, 31-32, 34-40, 47, 55, 62, 70, Iwami teaches a system capable of performing state-based signaling on behalf of a stateless-client (2) comprising a controller (20) coupled to a state-based terminal (10-1, 10-2), that translates at least one stateless

Art Unit: 2663

signaling message (telephony dialing) received from the stateless client (2) to at least one state-based signaling message for presentation to said state-based terminal (10-1, 10-2) thereby facilitating a media stream communications session between said stateless client (2) and said state-based terminal (6301, 6303) over an packet-based network (1). Iwami differs from the claim in that Iwami does not teach the use of IP protocol for the packet network. However, Kikinis teaches the use of the Internet to route telephone call. The Internet uses the IP (Internet Protocol) protocol. Such use of IP protocol for the packet network is old and well known in the art for its advantage such as enhancing the connectability and compatibility of the packet network since IP is widely used in the globally-connected Internet. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Kikinis' teaching of using the Internet to route telephone calls in Iwami's packet network with the motivation being to enhance the connectability and compatibility of the packet network.

10. Claims 92, 94-97, 100 and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (USP 6,201,804).

Regarding claims 92 and 100, Kikinis fails to teach IPX/SPX and SNA as transport protocols. However IPX/SPX and SNA protocols are well known in the art for transporting packets in LAN and IBM network respectively. Thus, it would have been obvious to one skilled in the art at the time the invention was made to include IPX/SPX and SNA protocols in Kikinis' transport protocols with the

Art Unit: 2663

motivation being to be compatible with enable local area networking and networking with IBM-based network.

Regarding claims 94-95, Kikinis fails to teach “set ringer on” message and “station off hook” messages are well known in the art of telephony for setting up telephone calls. Thus, it would have been obvious to one skilled in the art at the time the invention was made to use “set ringer on” message and “station off hook” messages in Kikinis’ telephone setup protocol with the motivation being to be compatible with enable proper telephone connection establishment.

7. Claims 96-97 and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (USP 6,201,804), as applied to claim 91 above, and further in view of Bruno et al (USP 5,724,355). Regarding claims 96-97 and 103, Kikinis differs from the claims in that Kikinis does not teach H.323 as a protocol for use in the state-based signaling system. However, H.323 is well standardized and its use for state-based signaling is well known in the art as evidenced by Bruno et al. Specifically, Bruno teaches the use of H.323 protocol to establish a multimedia connection from a state-based terminal to the Internet. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Bruno's teaching of using H.323 protocol to establish a multimedia connection from a state-based terminal to the Internet in Kikinis' system with the motivation being to facilitate the connection between a regular telephone user with a state-based terminal having ISDN connection to the Internet.

Art Unit: 2663

7. Applicant's arguments with respect to claims 1-12, 13-32 and 34-105 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

Art Unit: 2663

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Vu whose telephone number is (703) 308-6602. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 8:00 a.m. to 4:00 p.m. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



HUY D. VU
PRIMARY EXAMINER